## REMARKS

The Office communication of March 6, 2006 has been reviewed. The application is to be amended as previously set forth. All amendments and claim cancellations are made without prejudice or disclaimer. Generally, the amendments clarify the claims in view of the response. No new matter has been added.

The amendment to the specification updates the priority claim to identify the fact that the parent application issued as U.S. Patent 6,825,332.

New claim 41 recites the cell or animal of hereinafter elected Group IV claim 30 in "means plus function" format. 35 U.S.C. § 112, 6th ¶.

The Office communication first imposed a first restriction requirement. Applicants elect Group IV.

The Office communication went on to further restrict the application between SEQ ID Nos. 1-42. Applicants provisionally elect SEQ ID NO:4 with traverse (but see below with respect to SEQ ID NO:43).

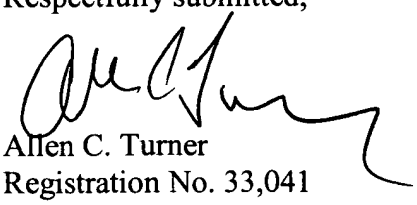
One reason for the traversal is that none of the elected claims recites any particular SEQ ID NO, and thus it is improper to "divide" single claims (rather than separate claims) by restriction requirement. *See, e.g.*, In re Weber, 580 F.2d 455, 459-460 (C.C.P.A. 1978); Ex parte Eagle, 1870 C.D. 137 (Com'r Pats. 1870).

Another reason for the traversal is that the present invention provides a gene encoding a $Ca^{++}$ channel α1 subunit, which gene is related to (familial hemiplegic) migraine and episodic ataxia type-2. SEQ ID NO:43 is the coding sequence of human cDNA of a gene according to the invention, whereas SEQ ID Nos. 1-42 are merely the sequences of 47 exons and flanking sequences of the gene. Thus, SEQ ID NOs:1-42 are related because they together depict the whole sequence of a gene according to the invention. It is therefore requested that this portion of the restriction be withdrawn.

If the restriction is not withdrawn, applicants request that SEQ ID NO:43 be considered by the Office instead (which SEQ ID NO. was not part of the original restriction), since SEQ ID NO.43 depicts the cDNA sequence of the whole gene, which would make more sense to examine. (*See, also*, claim 1 of the parent patent, U.S. Patent 6,825,332, which refers to SEQ ID NO:43.)

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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Date: September 6, 2006